



Hon. Sylvia O. Hinds-Radix
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BY ECF

Honorable District Judge Nina R. Morrison
United States District Court
Eastern District of New York
225 Cadman Plaza East, 1214 South
Brooklyn, New York 11201

Re: Joseph Garofalo v. New York City, et al., 22 CV 7620 (NM)(VMS)

Dear Judge Morrison:

I am an attorney in the office of Hon. Sylvia O. Hinds-Radix, Corporation Counsel of the City of New York, and counsel for the defendants – the City of New York and New York City Police Department Commissioner Edward A. Caban¹ – in the above-referenced action. This letter is being submitted jointly with Plaintiff per Your Honor’s Order dated September 23, 2023, to update the Court on the status of United States v. Rahimi, 61 F.4th 443 (5th Cir. 2023), cert. granted, 143 S. Ct. 2688 (June 30, 2023), which served as the basis for the Court granting Defendants’ motion to stay this action pending a decision therein. Since Your Honor’s September 23, 2023 Order, the United States Supreme Court held oral argument on Rahimi on November 7, 2023. The case has remained *sub judice* since then with no further filings. The parties will update the Court once a decision has been issued.

¹ Plaintiffs originally named then-NYPD Commissioner Keechant Sewell as a defendant in her official capacity as Commissioner of the New York City Police Department. Sewell resigned effective June 30, 2023. Edward A. Caban was appointed Commissioner of the New York City Police Department on July 17, 2023, by New York City Mayor Eric Adams. Pursuant to Federal Rule of Civil Procedure 25(d), the successor of a public officer is automatically substituted as a party when the originally named public officer “ceases to hold office while the action is pending.”

Respectfully submitted,

/s/

Nicholas Ciappetta
Senior Counsel